

**MAY 22 2006**

**NOT FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS**

**CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

SUSAN Y. MARTIN,

Defendant - Appellant.

No. 04-30466

D.C. No. CR-03-00138-RFC

MEMORANDUM<sup>\*</sup>

Appeal from the United States District Court  
for the District of Montana  
Richard F. Cebull, District Judge, Presiding

Submitted May 15, 2006<sup>\*\*</sup>

Before: B. FLETCHER, TROTT, CALLAHAN, Circuit Judges.

Susan Martin appeals the restitution order imposed following her guilty plea conviction for wire fraud, in violation of 18 U.S.C. § 1343, forging

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<sup>\*</sup> This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

endorsements on Treasury Checks or Bonds, in violation of 18 U.S.C. § 510, and attempting to evade or defeat tax, in violation of 26 U.S.C. § 510.

Martin contends that the district court violated her Sixth Amendment rights in ordering restitution because the assignment of the restitution amount far exceeded what she admitted to or which was proven beyond a reasonable doubt at the change of plea hearing. This contention is foreclosed by *United States v. Bussell*, 414 F.3d 1048, 1060 (9th Cir. 2005) (holding that district court orders of restitution are unaffected by *United States v. Booker*, 543 U.S. 220 (2005)).

\_\_\_\_\_ **AFFIRMED.**